

**Introduced by Senator Yee**

February 27, 2009

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An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Sections 18293 and 18305 of the Welfare and Institutions Code, relating to domestic violence, and making an appropriation therefor.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 782, as introduced, Yee. Domestic violence: marriage license fees.

Existing law requires the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the issuance of an authorization for the performance of marriages without a license, in the amount of \$23, for funding of domestic violence shelter-based programs, to be disposed of by the county clerk under specified provisions, including a requirement that \$4 be used, to the extent feasible, to develop and expand domestic violence centers to target underserved areas and populations.

This bill would increase the fee required to be collected for domestic violence centers to \$30 and would require \$6 of that amount to be allocated to develop and expand shelter-based programs to target underserved areas and populations to the extent feasible.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature. By providing for the expenditure of state tax revenue, this bill would make an appropriation.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 26840.7 of the Government Code is  
2 amended to read:

3 26840.7. In addition to the fee prescribed by Section 26840  
4 and as authorized by Section 26840.3, the county clerk shall collect  
5 a fee of ~~twenty-three dollars (\$23)~~ *thirty dollars (\$30)* at the time  
6 of issuance of the license. The fee shall be disposed of by the clerk  
7 pursuant to Chapter 5 (commencing with Section 18290) of Part  
8 6 of Division 9 of the Welfare and Institutions Code. Of this  
9 amount, ~~four dollars (\$4)~~ *six dollars (\$6)* shall be used, to the  
10 extent feasible, to develop or expand domestic violence  
11 shelter-based programs to target underserved areas and populations.

12 SEC. 2. Section 26840.8 of the Government Code is amended  
13 to read:

14 26840.8. In addition to the fee prescribed by Section 26840.1  
15 and as authorized by Section 26840.3, the person issuing an  
16 authorization for the performance of a marriage pursuant to Part  
17 4 (commencing with Section 500) of Division 3 of the Family  
18 Code or the county clerk, upon providing a blank authorization  
19 form pursuant to Part 4 (commencing with Section 500) of Division  
20 3 of the Family Code, shall collect a fee of ~~twenty-three dollars~~  
21 ~~(\$23)~~ *thirty dollars (\$30)* at the time of providing the authorization.  
22 The fee shall be disposed of pursuant to Chapter 5 (commencing  
23 with Section 18290) of Part 6 of Division 9 of the Welfare and  
24 Institutions Code. Of this amount, ~~four dollars (\$4)~~ *six dollars (\$6)*  
25 shall be used, to the extent feasible, to develop or expand domestic  
26 violence shelter-based programs to target underserved areas and  
27 populations.

28 SEC. 3. Section 18293 of the Welfare and Institutions Code is  
29 amended to read:

30 18293. (a) In order to be eligible for funding pursuant to this  
31 chapter, a domestic violence shelter-based program shall  
32 demonstrate its ability to receive and make use of any funds  
33 available from governmental, voluntary, philanthropic, or other  
34 sources that may be used to augment any state or county funds  
35 appropriated for the purposes of this chapter. Each domestic

1 violence shelter-based program shall make every attempt to qualify  
2 the domestic violence shelter-based program for any available  
3 federal funding.

4 (b) No provision of this section is intended to prohibit domestic  
5 violence shelter-based programs receiving funds pursuant to this  
6 chapter from receiving additional funds from any other public or  
7 private source. Funds provided pursuant to this chapter shall not  
8 be used to reduce the financial support from other public or private  
9 sources.

10 (c) Proposed or existing domestic violence shelter-based  
11 programs that meet the requirements set forth in Section 18294,  
12 shall receive funding pursuant to this chapter upon the approval  
13 of the local board of supervisors.

14 (d) Funding shall be given to agencies and organizations whose  
15 primary function is to administer domestic violence shelter-based  
16 programs. Any additional fees received by Alameda County, Contra  
17 Costa County, Solano County, and the City of Berkeley at the time  
18 of issuance of a marriage license pursuant to Sections 18308,  
19 18309, and 18309.5, that are in excess of the ~~twenty-three dollar~~  
20 ~~(\$23)~~ *thirty dollar (\$30)* fee collected pursuant to this act, shall be  
21 available to that city or county for funding domestic violence  
22 programs other than domestic violence shelter-based programs.

23 (e) Prior to approving a domestic violence shelter-based program  
24 or programs for this funding, the board shall consult with  
25 individuals and groups that have expertise in the problems of  
26 domestic violence and in the operation of domestic violence  
27 shelter-based programs including operations of existing domestic  
28 violence shelter-based programs.

29 (f) Upon approving one or more domestic violence shelter-based  
30 programs for funding, the board shall direct the county treasurer  
31 to disburse moneys from the county's domestic violence  
32 shelter-based program special fund and for funding, the board shall  
33 designate a local agency to monitor the domestic violence  
34 shelter-based program or programs. This monitoring shall include  
35 information regarding the number of persons requesting services,  
36 the number of persons receiving services according to the type of  
37 services provided, and the need, if any, for additional services or  
38 staffing.

39 (g) Programs that receive funding through this chapter shall, to  
40 the extent feasible, provide services to persons with a physical

1 disability who are victims of domestic violence. If the program  
2 cannot provide the services, then the program's staff, to the extent  
3 feasible, shall assist in referring the person with a physical  
4 disability to other programs and services in the community where  
5 assistance may be obtained.

6 (h) The process to determine eligibility of a domestic violence  
7 shelter-based program to receive funding pursuant to this chapter  
8 shall have as its primary purpose to ascertain that the program  
9 meets the service requirements of Section 18294. The process shall  
10 be expedient and shall include a mechanism for annual  
11 recertification.

12 (i) Funding obtained pursuant to this chapter is for the  
13 unrestricted use of a recipient domestic violence shelter-based  
14 program, and may be used for direct and indirect costs.

15 SEC. 4. Section 18305 of the Welfare and Institutions Code is  
16 amended to read:

17 18305. (a) At the time of issuance of a marriage license  
18 pursuant to Section 26840 of the Government Code, ~~twenty-three~~  
19 ~~dollars (\$23)~~ *thirty dollars (\$30)* of each fee paid shall be collected  
20 by the county clerk for deposit into the county domestic violence  
21 shelter-based programs special fund. The fees collected in this  
22 special fund shall be disbursed to approved domestic violence  
23 shelter-based programs on a yearly or more frequent basis  
24 commencing July 1, 1980. The funds shall be disbursed using a  
25 request for qualification (RFQ) process.

26 (b) The board of supervisors shall direct the county clerk to  
27 deposit ~~twenty-three dollars (\$23)~~ *thirty dollars (\$30)* of each fee  
28 into the county domestic violence shelter-based programs special  
29 fund. The county domestic violence shelter-based programs special  
30 fund shall fund domestic violence shelter-based programs  
31 established pursuant to Section 18304. ~~Four dollars (\$4)~~ *Six dollars*  
32 *(\$6)* of each ~~twenty-three dollars (\$23)~~ *thirty dollars (\$30)*  
33 deposited into the county domestic violence shelter-based programs  
34 special fund shall be used, to the extent feasible, to support or  
35 expand domestic violence shelter-based programs to target  
36 underserved areas and populations. No more than 8 percent of the  
37 funds shall be expended for the administrative costs associated  
38 with the collection and segregation of the additional marriage  
39 license fees, administration of the county domestic violence  
40 shelter-based programs special fund, monitoring of the domestic

1 violence shelter-based programs, and meeting the other  
2 administrative requirements imposed by this chapter. Counties  
3 that do not participate in the establishing or funding of domestic  
4 violence shelter-based programs pursuant to this chapter shall be  
5 entitled to retain up to 4 percent of the funds for the administrative  
6 costs associated with the collection and segregation of the  
7 additional marriage license fees and the deposit of these fees in  
8 the county domestic violence shelter-based programs special fund.

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